

Skandera, Hanna, PED

From: Bamman, Sheridan, PED
Sent: Monday, January 10, 2011 2:39 PM
To: Skandera, Hanna, PED
Subject: OIG Investigation

Dear Secretary Skandera:

I wish to restate my request that PED/OIG be allowed to conduct an investigation into the allegation of improper awarding of an Administrator's license to _____ The fact that the HR Director and an individual in the OGC conducted an "investigation" into this matter, adds to the urgency of my request. This "investigation" was conducted in a manner and space of time (in the last days of Dr. Murphy's tenure) that gives the impression of a "cover up." The appearance is that the OIG was intentionally excluded from conducting a *professional* investigation.

To conduct such an investigation the OIG would need access to the report that General Counsel Willie Brown described to us in our meeting as having been prepared by Mr. Fresquez of HR and Mr. Ventura of the OGC, the documents they reviewed, and access to all individuals involved.

This request is within the mandate of the Office of Inspector General, and is very likely the only way to put to rest PED's employees' concerns regarding the possible unethical behavior of PED senior staff. This is all the more urgent in light of the expectation that your new administration will bring with it the highest ethical standards.

I request to hear from you very soon.

Sheridan (Sherry) Bamman, CPA, CIA, CFE

Inspector General

NM Public Education Department

Room 1205, Montoya Building

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Skandera, Hanna, PED

From: Skandera, Hanna, PED
Sent: Wednesday, February 02, 2011 7:40 PM
To: Bamman, Sheridan, PED
Subject: RE: Follow up to meeting of 1/31
Attachments: MEMO-Acknowledgement of Grievance-Sherry Bamman Jan 2011.doc

Sherry,

Thank you for your email. Attached is my response to the grievance for your files. I am in the process of identifying the appropriate outside entity to handle this matter. In addition, I have sought outside counsel regarding the appropriate person to investigate the important matter of educator professional licenses granting. I have not received a specific recommendation as of right now, but hope to have one shortly.

In regards to our meeting on January 10, I look forward to discussing your workload and priorities moving forward. Specifically, I look forward to discussing an overall PED alignment with priorities of transparency and accountability related to licensure.

Best,
Hanna

From: Bamman, Sheridan, PED
Sent: Wednesday, February 02, 2011 9:06 AM
To: Skandera, Hanna, PED
Subject: Follow up to meeting of 1/31

Good morning Secretary Skandera,
Thanks for meeting with me on Monday. I see you have scheduled another meeting for 2/10. What particular issues or areas of OIG work responsibility would you like for us to address at that time? There is much that I could bring for your consideration depending on your interests and priorities.

In a previous e-mail you informed me that you intended to provide me with the grievance response prepared by Stephen Fresquez at our 1/31 meeting. When I remembered this after leaving your office, your assistant (Catherine I believe) offered to forward it to me, but so far it has not arrived. Could you please ensure that it is delivered to me?

During our meeting we discussed an investigation of certain allegations regarding the improper granting of educator professional licenses. I am sure you will agree that in a matter of this importance time is of the essence. Can you now inform the OIG as to which entity or person will conduct the investigation and when it will be authorized?

Sheridan (Sherry) Bamman, CPA, CIA, CFE

Inspector General

NM Public Education Department

Room 1205, Montoya Building

Skandera, Hanna, PED

From: Bamman, Sheridan, PED
Sent: Monday, February 14, 2011 9:04 AM
To: Carothers, Cathie, PED
Cc: Skandera, Hanna, PED
Subject: Last Friday's meeting

The following is intended to recap the substance of our meeting on Friday and to reiterate some outstanding items arising from that meeting:

1. We agreed that the next step in resolving my outstanding grievance would be a discussion with the Chief of Staff.
2. I provided a work plan for the period March to June 2011, consisting of several projects currently under way. Attached to the work plan was a table summarizing the findings of school district audits for the 2010 fiscal year, and a list of those districts and RECs that have not completed their annual financial audits.
3. Regarding future work assignments for the OIG, the Secretary suggested that after the session ends a comprehensive look at possible OIG work projects would be in order. I suggested that the risk assessment methodologies of the audit discipline would be worth considering. We discussed briefly the need for a comprehensive audit of PED issued licenses, including procedures to provide assurance of the absence of credentials fraud. For PED there are unresolved corruption issues in both fiscal and personnel areas. The same is true for a number of school districts, charter schools, and RECs.
4. The Secretary stated that investigation of the circumstances of awarding a PED license to a particular individual had been referred to the Governor's office, where a search for an investigator was underway. The Secretary said that she found the report provided by the General Counsel which found no irregularity in this matter to be convincing, but nevertheless has requested a further investigation.
5. The Secretary expressed concern about my communicating with the USDE/OIG before our [PED's] house is in order. I noted that the USDE/OIG has a history of communication with PED and PED/OIG.

Matters requiring follow up include the following:

1. Cathie, when will you and I be able to meet to review my unresolved grievance? We spoke tentatively about the week after next as I have training for three days this week (Wednesday to Friday). Let me know when you are available.
2. Given that I have not been allowed to see the report prepared by the General Counsel and cited in #4 above, since according to the GC "it is a personnel matter", will the IG also be denied access to the report emanating from the Governor's office on the same subject, and if so, on what basis?
3. Is it your intention to prohibit my communicating with the USDE/OIG until some future date?
4. PED staff has received a number of e-mails in recent weeks prohibiting speaking freely with legislators, analysts, and school districts-- the list appears to be growing. Is this something that can be expected to continue long term? How is transparency and accountability, a major part of the OIG function, advanced in this way?
5. Please provide approval for one week's per diem for travel to Cobre School District.
6. Please address quickly my request for two weeks vacation planned for the end of May, early June.

Sheridan (Sherry) Bamman, CPA, CIA, CFE

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Skandera, Hanna, PED

From: Bamman, Sheridan, PED
Sent: Friday, May 20, 2011 3:01 PM
To: Skandera, Hanna, PED
Cc: Carothers, Cathie, PED
Subject: Your letter re the pending licensure investigation

Dear Secretary Skandera:

Thank you for your letter of 5/16/2011. While in the letter you identify circumstances that have prevented pursuit of an investigation into allegations of the illicit granting of educator licenses from early January to date, nevertheless certain things remain clear:

- (1) In the past you represented to me that the Governor's Office would appoint an external investigator. Apparently this is no longer your position.
- (2) As Secretary, your direct involvement in the selection of an investigator and/or the management and sculpting of the eventual decision would appear to be an overt breach of the "Chinese Wall" between prosecution and adjudication of licensure matters.
- (3) Your continued implied assertion that PED/OIG involvement in this investigation might be seen as biased by unnamed third parties is vitiated by the fact that you have yet to act upon the basis for your assertion, i.e. my grievance of early January concerning this and related matters.
- (4) While I appreciate the exigencies of your position, as things stand, an objective third party review of these issues might well conclude that "an impression of partiality" has been given with respect to the individuals named in these allegations. Also it would appear to objective observers that you have employed a series of stratagems to prevent PED/OIG from performing the work of the Office of Inspector General, as it is widely understood.

I urge you to take immediate action to dispel the aura of bias you have no doubt unintentionally placed on PED/OIG. Nothing could be further from the truth, and I can present numerous current and former government officials and others who can testify to this.

It is of little consequence that some of the individuals named in these allegations are no longer at PED. Others remain, and in high positions. Surely it is your intention to give credence to your own statement about "getting our house in order," not to mention the Governor's pronouncements concerning accountability and transparency in executive branch operations.

Perhaps you would consider addressing the apparent conflict of interest on your part by recusing yourself from this matter entirely. An investigation by a third party external to State government, credentialed and qualified, appointed by the Governor herself, would produce a report defensible in both the courts of law and of public opinion. In my professional opinion, this course of action would ensure that justice be done for PED, its staff, and the people of NM.

I look to your leadership in this matter and remain hopeful that it can be resolved to the benefit of all at PED and of those who pay our salaries.

Sheridan (Sherry) Bamman, CPA, CIA, CFE

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